IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4047 of 2007()

CRIME NO.502/07 OF KALAMASSERY POLICE STATION.

PETITIONER/1ST ACCUSED

DR. S.BABU SUNDAR,
PROFESSOR AND HEAD OF THE DEPARTMENT OF COMPUTER APPLICATIONS COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, (UNDER SUSPENSION), "KARUNNYAM", PEEDIKAPPADI, WEST KADUNGALLOR, ALUVA-683 110.

BY ADV. SRI.S.RADHAKRISHNAN
SRI.S.RAJ MOHAN

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, KALAMASSERY,
COCHIN.

2. THE ASSISTANT COMMISSIONER OF POLICE,
NARCOTIC CELL, ERNAKULAM.

3. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, ALONG WITH BA NO. 4054 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NOs. 4047 & 4054 OF 2007

Dated this the 12th day of July, 2007

ORDER

Applications for anticipatory bail. The petitioners are a former Controller of Examinations and an Examiner with whom the work of revaluation was entrusted by the University. The crux of the allegations is that there has been fraudulent manipulations in the revaluation of answer scripts to oblige certain candidates who off springs of influential persons. It is alleged that the Controller of Examinations with deliberate design, contrary to the Rules, forwarded the answer scripts for revaluation to the persons not included in the panel with fraudulent intention. It is further alleged that the answers concerned were altered and manipulated to facilitate award of convenient marks to the candidates. One more Examiner faces similar allegations in the crime. That Examiner has already been questioned. She has not been arrested.

2. The learned counsel for the petitioners submit that the petitioners are absolutely innocent and that the allegations are raised against them without any bona fide. They apprehend imminent arrest.

3. The learned Public Prosecutor, after taking instructions, submits that the Investigator has no intention of immediately arresting the petitioners at all. As in the case of the other Examiner, the petitioners will have to be questioned. The Investigator will take a decision on the question whether they are to be arrested or not only after obtaining the report from the handwriting expert of the Forensic Science Laboratory. Till then, the petitioners shall not be arrested, it is submitted. It is further submitted that the petitioners may be directed to co-operate with the Investigators for the early completion of the investigation in the matter. The learned counsel for both the petitioners submit that the petitioners shall co-operate with the Investigators. They shall appear before the Investigating Officers as and when directed by the Investigating Officer in writing to do so for examination/ interrogation, it is submitted.

4. In these circumstances, I am satisfied that it is not

necessary to issue any directions under Sec.438 of the Cr.P.C. now. I accept the submissions of the learned Public Prosecutor that the petitioners shall not be arrested until the report is obtained from the expert of the Forensic Science Laboratory. When they are required to be arrested also, notice shall be issued to them specifying the purpose.

5. These petitions are, in these circumstances, dismissed with the direction that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

6. Hand over a copy of this order to the learned counsel for the petitioners.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge